IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 13479 of 2005

Between:

Dr. M.K. Khaishagi, S/o Late Dr. H.M. Khaishagi,
R/o Flat 15, B-7, APHB Colony, M.J. Road, Hyderabad-1.

..... PETITIONER

AND

1 The Engineer in Chief (A.W), Irrigation & CAD Department,
Jala Soudha, Errum Manzil, Hyderabad - 500 082.
2 The Principal Secretary, Irrigation and CAD Department,
Government of Andhra Pradesh, Secretariat, Hyderabad -A.P.
3 The Chief Engineer, Central Designs Organisation,
Irrigation & CAD Department, Hyderabad- 500 001, A.P.
4 The Superintending Engineer, Design Circle, Central Designs Organisation,
Jala Soudha, Errum Manzil, Hyderabad - 500 082.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly a writ in the nature of Mandamus, declaring the action of the Respondents in denying in-charge promotion to the Petitioner from the post of Assistant Executive Engineer to the post of Deputy Executive Engineer, I/C, as arbitrary, illegal and violation of the Article 16 of the Constitution of India.

Counsel for the Petitioner: PARTY-IN-PERSON

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner alleging that he is being denied the benefit of promotion as In-charge Deputy Executive Engineer though he is eligible and entitled to be given said promotion.

The petitioner also stated that though he approached the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal), the petition filed before the Tribunal was dismissed in limini. Therefore, he has come up with the present writ petition.

As the petitioner is a Government employee, the writ petition is not maintainable before this Court. The petitioner has to approach the Tribunal and if any order is passed by the Tribunal negating his claim, the remedy open to him is to assail the said order and he cannot file an independent writ petition.

Accordingly, the writ petition is dismissed as not maintainable. No costs.

24.06.2005

VGB

To

1 The Engineer in Chief (A.W), Irrigation & CAD Department,
Jala Soudha, Errum Manzil, Hyderabad - 500 082.
2 The Principal Secretary, Irrigation and CAD Department,
Government of Andhra Pradesh, Secretariat, Hyderabad -A.P.
3 The Chief Engineer, Central Designs Organisation,
Irrigation & CAD Department, Hyderabad- 500 001, A.P.
4 The Superintending Engineer, Design Circle, Central Designs Organisation,
Jala Soudha, Errum Manzil, Hyderabad - 500 082.

5 2CCs to the Government Pleader for Irrigation and Command Area

Development, High Court Buildings, Hyderabad (OUT).

6 2CD copies.